

GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS1-39-A. Delegation of Authority to Settle Administrative Equal Employment Opportunity Claims and Complaints Prior to a Request of Hearing before the EEOC or Filing a Mixed Case Appeal before the MSPB

1. **AUTHORITY.** On behalf of the U.S. Environmental Protection Agency, Region 8, to enter into settlement agreements that resolve administrative claims and complaints brought against the Agency under various Equal Employment Opportunity authorities and prior to the complainant requesting a hearing before the Equal Employment Opportunity Commission or filing a mixed case appeal before the Merit Systems Protection Board. The various EEO authorities include the Equal Pay Act of 1963, as amended, 29 U.S.C. §§ 206(d) et seq.; Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e et seq.; the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621 et seq.; the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701 et seq.; Executive Orders 11478, 12106, 13145, and 13152; and the EEOC regulations at 29 C.F.R. Part 1614.
2. **TO WHOM DELEGATED.** The deputy regional administrator for settlement agreements in the Region 8 office entered into prior to the complainant requesting a hearing before the EEOC or filing a mixed case appeal before the MSPB.
3. **LIMITATIONS.**
 - a. The settlement authority provided under this delegation may only be exercised with the concurrence of the director, Office of Civil Rights, on acceptable parameters for settlement. This concurrence must be obtained as early as practicable. If settlement negotiation results in settlement terms that deviate from the parameters concurred upon by the director, OCR, then the DRA or re-delegatee must obtain concurrence on the new terms or new parameters before entering into a settlement agreement. The director, OCR, at his or her discretion, may waive the concurrence requirement, in writing, at any time.
 - b. The settlement authority provided under this delegation may be exercised only after legal review of a proposed settlement agreement by the Office of Regional Counsel.
 - c. Subject to paragraph 3a, an ORC attorney may engage in discussions and negotiations that may lead to settlement of a claim or complaint by an official who has settlement authority under this delegation.
 - d. Pursuant to the EPA National Delegation of Authority 1-39A, paragraphs 2.b and 4.c, the authority to settle complaints after a complainant requests a hearing before the EEOC or files a mixed case appeal before the MSPB is delegated to the EPA Office of General Counsel, ORC or Office of Inspector General attorney designated to represent the Agency at that stage, with the concurrence of the appropriate EPA management official.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the division director level, or equivalent, but no further.

GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS1-39-A. Delegation of Authority to Settle Administrative Equal Employment Opportunity Claims and Complaints Prior to a Request of Hearing before the EEOC or Filing a Mixed Case Appeal before the MSPB

- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. EPA National Delegation 1-39A, Delegation of Authority to Settle Administrative EEO Claims and Complaints.
- b. EPA Delegation 1-34, Litigation Representation.
- c. EPA Delegation 1-83, Final Agency Decisions on Formal Complaints of Discrimination Filed Under 29 C.F.R. Part 1614.
- d. 29 C.F.R. Part 1614.



Debra H. Thomas
Acting Regional Administrator

APR 29 2019

Date